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Douglas W. Swartz  
SHERIDAN ROSS P.C.  
Suite 1200  
1560 Broadway  
Denver, CO 80202-5141

EXAMINER
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WOZNIAK, JAMES S

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/037,284

Applicant(s)

KOTSINADELIS, PETER

Examiner

James S. Wozniak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 38-48, 51 and 53-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-48, 51 and 53-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the office action from 10/25/2005, the applicant has submitted an amendment, filed 2/27/2006, amending claims 38-39, 43-46, 48, 51, 53, 58, 62-63, 67-71, and 74-77, while arguing to traverse the art rejection based on the amended limitations and the limitation regarding executing a non-macroinstruction when a voice command does not correspond to a macroinstruction (*Amendment, Pages 16-22*). The applicant's arguments have been fully considered but are moot with respect to the new grounds of rejection, necessitated by amendment and in view of Kopp et al (*U.S. Patent: 5,675,633*).

### ***Response to Arguments***

2. Applicant's arguments have been fully considered but they are not persuasive for the following reasons:

With respect to the independent claims, the applicant argues that Peck et al (*U.S. Patent: 5,748,843*) fails to teach determining whether a voice command is a macroinstruction and, if not, whether the voice command is a nonmacroinstruction (*Amendment, Page 17*). In response, the examiner points out that Peck discloses a step for determining if a voice command corresponds to a macroinstruction by detecting the presence of a macro identifier (*Col. 12, Line 32- Col. 13, Line 7*). If it is determined that a voice command corresponds to a voice macro through the

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presence of such an identifier, the macro is executed as is shown in Fig. 6 (*element 96*). If it is determined that a voice command does not correspond to a macroinstruction, the system then proceeds to determine that a voice command corresponds to a non-macroinstruction as is shown in Fig. 6 (*Elements 94 and 92*). Thus, Peck teaches the aforementioned claim limitation.

With respect to **Claims 39, 53, and 63**, the applicant cites a Federal Circuit decision directed towards the use of the phrase “at least one of” in a particular case in order to clarify the meaning of such claim language (*Amendment, Pages 22-23*). In response the examiner notes that the use of the phrase “at least one of” applies only in the “unique facts of that case” (*Amendment, Page 22*). Also, it appears that in the case considered in the decision, each of the start times, end times, program services, and program types are each one of many instances (*i.e. one or many different times, services, and types are possible*), whereas in the present application at least one of creating, editing, and deleting a macroinstruction each correspond to a single instance (*i.e. there are not multiple instances of creating, editing, and deleting a macroinstruction*). Thus, the cited Federal Circuit decision would not apply to the claimed invention. The examiner further notes that if the applicant wishes to include determining whether a voice command corresponds to creating, editing, or deleting a macroinstruction, wherein all of the alternatives included in the claim language, the claims should be written in a Markush format (*see MPEP 2173.05(h)*).

As per the use of “and/or” in the claim language (*Amendment, Pages 22-23*), such a phrase indicates either all of the elements are included in the claim language or only one of a list of alternatives is required. If the applicant wishes to combine certain claim elements and exclude others in an alternative format in the claim language (*i.e. A and B together, A and C together,*

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*etc.*), a Markush format is again suggested (*for example: selecting one of more from a group consisting of: A, B, and C*).

The dependent claims further limit rejected independent claims, and thus, also remain rejected.

### ***Claim Objections***

3. **Claim 46** is objected to because of the following informalities:

“The method of claim 38” should be changed to –the method of claim 44-- in order to provide proper antecedent basis for the limitation, “the second macroinstruction.”

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 38-40, 43, and 75** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al (*U.S. Patent: 5,748,843*) in view of Kopp et al (*U.S. Patent: 5,675,633*).

With respect to **Claim 38**, Peck discloses:

Receiving a spoken voice command (*Col. 12, Lines 34-37; Fig. 6, Element 70*);

Determining whether the spoken voice command corresponds to a macroinstruction having a respective set of embedded executable instructions (*determining whether a voice command is a voice macro, Col. 12, Line 32- Col. 13, Line 7; and Fig. 6, Element 94*);

When the spoken voice command corresponds to a macroinstruction, executing the respective set of instructions, the respective set of instructions corresponding to a plurality of further voice commands (*communicating a control sequence corresponding to a voice macro to an output port for execution, Col. 12, Line 25- Col. 13, Line 7; Fig. 6, Element 96*);

When the spoken voice command does not correspond to a macroinstruction, thereafter determining whether the at least a first voice command corresponds to a non-macroinstruction (*not detecting a macro identifier and thus determining a voice command to be a non-macroinstruction, Col. 11, Line 65- Col. 13, Line 7; and Fig. 6, Elements 94 and 92*);

When the spoken voice command corresponds to a non-macroinstruction, executing the non-macroinstruction (*Fig. 6, Element 92; and Col. 8, Lines 20-40*) wherein the corresponding non-macroinstruction has a respective subset of processor executable instructions (*control signal instructions corresponding to a speech command, Col. 8, Lines 20-40*).

Although Peck discloses the ability of a user to create a voice macro in a “learn mode” in which a created voice macro has an imbedded set of voice command non-macroinstructions (*Col. 12, Lines 32-54*), Peck does not specifically disclose that a single voice command can correspond both to a created macroinstruction and one of the imbedded voice commands, however Kopp teaches the creation of a voice macro command which is invoked according to a user defined word which may correspond to one of the predefined command words within a macro command set (*“monitoring,” Col. 5, Line 7-40*).

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Peck and Kopp are analogous art because they are from a similar field of endeavor in speech-controlled systems. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck with the macro creation method taught by Kopp in order to allow a user the option of utilizing predefined or user defined commands for voice macros to simplify activation of commonly used command sequences (*Kopp, Col. 5, Lines 29-40*).

With respect to **Claim 39**, Peck recites:

Determining if the at least a first voice command corresponds to at least one of creating a macroinstruction, editing a macroinstruction, and deleting a macroinstruction (*learn mode, Col. 12, Lines 32-54*);

When the at least a first voice command corresponds to the at least one of creating a macroinstruction, editing a macroinstruction, and deleting a macroinstruction, executing at least one of creating a macroinstruction, editing a macroinstruction, and deleting a macroinstruction (*learn mode, Col. 12, Lines 32-54*).

With respect to **Claim 40**, Peck discloses:

Requesting the user to pronounce a name for the new macroinstruction to be created (*recognition computer looking for a macro name which would require an inherent request, Col. 12, Lines 32-54, and Fig. 6, Element 78*);

Receiving from the user the pronounced name for the new macroinstruction and the set of voice commands and associated instructions to be included with the macroinstructions associated set of instructions (*Col. 12, Lines 32-54*).

With respect to **Claim 43**, Peck teaches the process of creating a voice command macro command in a “learn mode” prior to utilizing such a macro in a speech recognition system, as applied to Claim 38.

With respect to **Claim 75**, Kopp teaches the creation of a voice macro command which is invoked according to a user defined word which may correspond to one of the predefined command words within a macro command set, as applied to Claim 38.

6. **Claim 41** is rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al in view of Kopp et al, and further in view of Fitzpatrick et al (U.S. Patent: 5,671,328).

With respect to **Claim 41**, Peck in view of Kopp teaches the method for creating a voice macro as applied to Claim 39. Also, Peck further teaches a prompt that requests a user speak a command for editing (*Col. 18, Lines 7-18*) and the ability to edit voice macros (*Col. 22, Lines 47-53*). Peck in view of Kopp does not specifically suggest a specific process of macro editing that includes accessing corresponding instructions and deleting user commands, however Fitzpatrick discloses a means for accessing macroinstructions associated with a selected voice command and entering and deleting voice commands (*Col. 6, Line 42- Col. 7, Line 27*).

Peck, Kopp, and Fitzpatrick are analogous art because they are from a similar field of endeavor in systems utilizing voice commands corresponding to macros. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck in view of Kopp with the voice macro editing means taught by Fitzpatrick to allow a user to customize a voice recognition macro by modifying a recognition template (*Fitzpatrick, Col. 3, Lines 22-28*).



7. **Claims 42, 45, 47-48, 51, 53-54, 56, 58-59, 61-64, 66-67, 69-70, 72, and 76-77** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al in view of Kopp et al, and further in view of Johnson (*U.S. Patent: 5,835,571*).

With respect to **Claim 42**, Peck in view of Kopp teaches the method for creating a voice macro as applied to Claim 40. Peck in view of Kopp does not specifically suggest the ability to delete a macro by speaking the name of the macro to be deleted; however Johnson discloses a means for deleting a macro by its voice command (*Col. 12, Lines 31-50; Fig. 7F, Elements 725 and 727*).

Peck, Kopp, and Johnson are analogous art because they are from a similar field of endeavor in systems utilizing voice commands corresponding to macros. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck in view of Kopp with the means for deleting a macro by its voice command as taught by Johnson in order to provide a means for efficiently managing created voice macros (*Johnson, Col. 3, Lines 45-47*).

With respect to **Claim 45**, Johnson further teaches a graphical user interface that enables the editing of a macro (*Col. 13, Lines 50-58*).

With respect to **Claims 47-48**, Johnson further teaches a set of macroinstructions performed immediately after reception of a macro command (*Col. 6, Lines 43-47*).

With respect to **Claim 51**, Peck in view of Kopp teaches the voice macro recognition method as applied to claim 38 and Peck also teaches a speech recognizer and a voice macro memory (*Col. 12, Lines 32-54*).

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Peck in view of Kopp does not specifically suggest voice macro use with a telecommunications switching system, however Johnson teaches such an implementation (*voice macros, Col. 11, Lines 37-57, and PBX switch, Col. 2, Lines 44-48*). Johnson also teaches macroinstructions performed immediately after reception of a macro command (*Col. 6, Lines 43-47*).

Peck, Kopp, and Johnson are analogous art because they are from a similar field of endeavor in systems utilizing voice commands corresponding to macros. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck in view of Kopp with the use of a telecommunications switch as taught by Johnson in order to implement the system taught by Peck in view of Kopp in a telecommunications system that allows different users to share and manage voice macros over a telephone (*Johnson, Col. 2, Lines 44-49; and Col. 3, Lines 45-47*).

**Claims 53-54** contain subject matter similar to Claims 39-40, and thus, are rejected for the same reasons.

**Claim 56** contains subject matter similar to Claim 42, and thus, is rejected for the same reasons.

**Claims 58 and 69** contain subject matter similar to Claim 45, and thus, are rejected for the same reasons.

**Claims 59 and 70** contains subject matter similar to claims 40 and 45, and thus, is rejected for the same reasons.

With respect to **Claim 61**, Peck teaches the input of user speech for commands within a macro as applied to Claim 40.

**Claim 62** contains subject matter similar to Claim 51, and thus, is rejected for the same reasons.

**Claims 63-64** contain subject matter similar to Claims 39-40, and thus, are rejected for the same reasons.

**Claims 66-67** contain subject matter similar to Claims 42-43, and thus, are rejected for the same reasons.

With respect to **Claim 72**, Johnson further teaches macroinstructions performed immediately after reception of a macro command (*Col. 6, Lines 43-47*).

**Claims 76-77** contain subject matter similar to claim 75, and thus, are rejected for the same reasons.

8. **Claims 44 and 46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al in view of Kopp et al, and further in view of McAuliffe et al (*U.S. Patent: 6,212,541*).

With respect to **Claim 44**, Peck in view of Kopp teaches the method for creating a voice macro as applied to Claim 38. Peck in view of Kopp does not specifically suggest the ability to imbed a second macro within a first macroinstruction, however McAuliffe teaches such ability (*Col. 5, Lines 47-57*).

Peck, Kopp, and Johnson are analogous art because they are from a similar field of endeavor in systems utilizing voice commands corresponding to macros. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck in view of Kopp with the ability to imbed a second macro within a first macroinstruction as taught

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by McAuliffe in order to implement a means for nesting macro calls (*McAuliffe, Col. 5, Lines 47-57*).

With respect to **Claim 46**, McAuliffe further teaches creating imbedded macroinstructions using a Windows-based application running on a computer having a display which would inherently require the use of some type of graphical user interface (*Col. 5, Lines 47-57; and Col. 4, Line 42- Col. 5, Line 17*).

9. **Claims 55 and 65** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al in view of Kopp et al, further in view of Johnson, and yet further in view of Fitzpatrick et al.

With respect to **Claims 55 and 65**, Peck in view of Kopp, and further in view of Johnson teaches the speech recognition system utilizing voice macros as applied to Claims 53 and 63. Peck in view of Kopp, and further in view of Johnson does not specifically suggest a specific process of macro editing that includes accessing corresponding instructions and deleting user commands, however Fitzpatrick discloses a means for accessing macroinstructions associated with a selected voice command and entering and deleting voice commands (*Col. 6, Line 42- Col. 7, Line 27*).

Peck, Kopp, Johnson, and Fitzpatrick are analogous art because they are from a similar field of endeavor in systems utilizing voice commands corresponding to macros. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck in view of Kopp, and further in view of Johnson with the voice macro editing means taught by Fitzpatrick to allow a user to customize a voice recognition macro by modifying a recognition template (*Fitzpatrick, Col. 3, Lines 22-28*).

10. **Claims 57, 60, 68, and 71** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al in view of Kopp et al, further in view of McAuliffe et al, and yet further in view of Johnson.

**Claims 57 and 68** contain subject matter similar to claim 44, and thus, are rejected for the same reasons.

**Claims 60 and 71** contains subject matter similar to claim 46, and thus, is rejected for the same reasons.

11. **Claims 73-74** are rejected under 35 U.S.C. 103(a) as being unpatentable over Peck et al in view of Kopp et al, in further view of Johnson, and yet further in view of Hashimoto et al (*U.S. Patent: 5,632,002*).

With respect to **Claim 73**, Peck in view of Kopp and further in view of Johnson teaches the voice recognition unit, macrolibrary, and switching system as applied to Claim 51. Peck in view of Kopp and further in view of Johnson does not specifically suggest speech macro use in a voice messaging system, however Hashimoto discloses such an implementation (*Col. 37, Lines 25-54; Fig. 53; and speech macros, Col. 38, Lines 56-67*).

Peck, Kopp, Johnson, and Hashimoto are analogous art because they are from a similar field of endeavor in systems utilizing voice commands corresponding to macros. Thus, it would have been obvious to a person of ordinary skill in the art, at the time of invention, to modify the teachings of Peck in view of Kopp, and further in view of Johnson with the voice mail system taught by Hashimoto in order to implement user created macros in a practical and well-known

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voice mail application in order to facilitate more efficient voice mail retrieval searches

*(Hashimoto, Col. 38, Lines 56-67).*

With respect to **Claim 74**, Hashimoto teaches macros associated with voice mail retrieval searches *(Col. 38, Lines 56-67)*.

### *Conclusion*

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:


Begeja et al (*U.S. Patent: 6,243,445*)- teaches a means for creating voice macros by making combinations of existing voice commands.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632. The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached at (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James S. Wozniak  
4/12/2006

  
DAVID HUDSPETH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600